IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20694 of 2004

Between:

1 G.Prasad Industries Employees Union (R.No.A-3438)
H.No.4-3-62, Raghunathbagh, Sultan Bazar,
Hyderabad-500 195, rep., by its General Secretary.
2 M.Madhava Reddy, President,
G.Prasad Industries Employees Union (R.No.A-3438), H.No.4-3-62, Raghunathbagh,
Sultan bazar, Hyderabad-500 195.

..... PETITIONERS

AND

1 Industrial Tribunal-II, Hyderabad.
2 The Management of G.Prasad industries Limited, D-II, Phase V.IDA, Jeedimetla, Hyderabad-500 055.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction or a writ more particularly one in the nature of writ of certiorari and quash the same after calling for records in IA No.50 of 2004 in ID No.9 of 2003 dated 30th October, 2004 and direct the second respondent to pay interim relief according to the settlement dated 7-6-2004.

Counsel for the Petitioner:MR.S.RAVINDRANATH

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 : M.RADHA KRISHNA MURTHY,

The Court made the following :

ORDER:

This writ petition is filed to call for the records in IA No.50 of 2004 in ID No.9 of 2003 dated 30.10.2004, on the file of the Industrial Tribunal-II, Hyderabad and to quash the same. The said I.A was filed by the petitioner seeking an interim order directing the respondent-management to extend benefits to the workmen as per the settlement for the year 2001-2002. The said petition was dismissed. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that some of the co-workmen were enjoying the benefit of the said settlement and therefore, he prays the Court to grant interim relief till the disposal of the case.

On the other hand, the learned counsel for the respondent contended that this dispute can be solved in the main case itself and he also brought to the notice of this Court that the pendency of cases in the Tribunal are very negligible in number.

Therefore, a direction be given to the Tribunal to take up the case by giving schedule of the case and to dispose of the same within a period of one week and therefore, there are no grounds to interfere with the impugned orders of the Tribunal.

The dispute with regard to the entitlement of the petitioner of any monetary benefits in pursuance of the settlement for the year 2001-2002 is to be resolved in the main Industrial Dispute. Simply because some of the co-workmen are being given the said benefit, the same cannot be a ground to pass interim relief. That is the reason that the Tribunal dismissed the interlocutory application with a direction to dispose of the main ID itself at the earliest. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for any interference by this Court.

Since the Industrial Dispute is of the year 2003 and on considering the pendency of the cases, as contended by the learned counsel for the respondent, a direction can be given to the Tribunal to dispose of Industrial Dispute No.9 of 2003 itself, within a period of two months from the date of receipt of a copy of this order, if possible by giving adequate opportunity and both the parties shall not take any unnecessary adjournments.

Accordingly, the writ petition is disposed of.

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10-12-2004

bsv

To

1 Industrial Tribunal-II, Hyderabad.
2 The Management of G.Prasad industries Limited, D-II, Phase V.IDA, Jeedimetla, Hyderabad-500 055.

3. 2CCs to Government Pleader for Labour, High Court Buildings, A.P., Hyderabad (OUT)

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